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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,430	02/11/2004	Chris Togami	15436.12.2.1	2880

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WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,430

Applicant(s)

TOGAMI ET AL.

Examiner

Brigitte R. Hammond

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11, 13, 14, 16, 17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13, 14, 16, 17 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/11/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,7,8,11 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Branch et al. 6,746,264. Branch et al. discloses a transceiver module 10 for use in a communications network, the module comprising: a cable receptacle capable of receiving one or more cable connectors; a movable pivot block 24 having a locking member 32, the pivot block configured to allow removal of the module from within a host port, wherein movement of the pivot block manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claim 7, Branch et al. discloses an optical transceiver module 10 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals, the module comprising: a fiber optic cable receptacle that is capable of receiving one or more fiber optic cable connectors; and a movable pivot block 24 rotatably engaged with the receptacle and having a locking member 32, the pivot block configured to allow removal of the module from within a host

port, wherein movement of the pivot block manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claims 2 and 8, the moveable pivot block is shaped so as to prevent the manipulation of the locking member when a fiber optic cable connector is disposed within the fiber optic cable receptacle.

Regarding claim 3, further comprising a biasing member 12 that biases the moveable pivot block in a locked position.

Regarding claim 4, the pivot block pivots about a pivot point.

Regarding claims 5 and 11, the moveable pivot block is a cantilevered portion of a housing of the transceiver module.

Regarding claim 28, Branch et al. discloses a transceiver module, comprising: a housing portion; a connector portion attached to the housing portion and configured to removably receive one or more cable connectors; a pivot block 24 including a pivot arm that rotatably engages the connector portion, the pivot block being rotatable between a first pivot block position where the module is latched to a host port, and a second pivot block position where the module is unlatched from the host port.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13,14,16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branch et al. in view of Gaio et al. Branch et al. discloses the invention substantially as claimed. Branch et al. discloses a SFP fiber optic transceiver module comprising: a housing portion; and a moveable pivot block 24, wherein movement of the moveable pivot lever disengages the module from within a host port and exertion of a pulling force on the moveable pivot lever permits the module to be withdrawn from the host port; a locking member 32, formed on the pivot block, the locking member configured to selectively engage the module within the host port, and wherein the locking member is selectively disengaged by movement of the moveable pivot block by applying a force to a leading edge portion on the pivot lever. Branch et al. do not disclose the connector having a printed circuit board having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals. However, Gaio discloses a printed circuit board 8 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals. Therefore, it would have been obvious to one of ordinary skill to modify the module of Branch et al. by providing a circuit board to convert optical signals into electrical signals or electrical signals into optical signals as taught by Gaio et al.

Regarding claim 14, Branch et al. the moveable pivot block disengages the module from the host by manipulating the block against a biasing force of a biasing member 12.

Regarding claim 16, the moveable pivot block is a cantilevered portion of a housing of the transceiver module.

Regarding claim 17, the moveable pivot block is biased in a latched position.

Allowable Subject Matter

Claims 19-27 are allowed.

Response to Arguments

Applicant's arguments filed 3/21/06 have been fully considered but they are not persuasive. In response to Applicant's arguments that the Examiner has not identified certain components, for example, the "cable receptacle", "housing portion" and "pivot arm" and has left it up to the applicant to "guess" the aforementioned components. The Examiner disagrees. The cable receptacle, housing portion and the pivot arm of Branch are almost identical to the cable receptacle, housing portion and pivot arm of figure 1 of Applicant's application. Therefore the rejection is proper and stands.

Applicant's arguments also fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brigitte R. Hammond
Primary Examiner
Art Unit 2833

June 6, 2006